



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
• REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

59083

REPLY TO THE ATTENTION OF:

MAY 12 1992

HSE-5J/EERB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Himco Dump
Elkhart, Indiana
Confirmation of General Notice of Liability

Dear Sir:

On May 12, 1992, the following oral statement was made to you [over the telephone] by Enforcement Specialist Carol Graszer and Assistant Regional Counsel Thomas Nash:

"The United States Environmental Protection Agency (U.S. EPA) intends to expend public funds to investigate and take action to abate a release or threat of release of hazardous substances, pollutants or contaminants into the environment from the Himco Dump in Elkhart, Indiana (the "facility"). This action is consistent with the National Contingency Plan and is authorized by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. Section 9601 *et seq.* Under CERCLA, and other laws, responsible parties may be liable for all costs the Government incurs in taking response action at the facility, including investigation, planning, cleanup and enforcement costs. Potentially responsible parties (PRPs) generally include the current owner and operator of the facility, the owner and operator at the time of disposal or release of the hazardous substances at the facility, and persons who generated or were involved in the transport, treatment, or disposal of hazardous substances at the facility.

Hazardous substances, including toluene, ethylbenzene, 2-hexanone and xylene, have been found at the facility. These substances have a flashpoint as low as 60 degrees Fahrenheit which represents a potential fire and explosion hazard as well as an inhalation and contact hazard to humans; therefore U.S. EPA has determined that this may present an imminent and substantial endangerment to the public health or welfare or to the environment. Before the Government takes the necessary response

Printed on Recycled Paper

action at the facility, PRPs are being offered the opportunity to voluntarily perform or fund the work required to abate any releases or threat of release of hazardous substances, pollutants or contaminants from the facility.

U.S. EPA plans to take the following actions:

- 1) Excavate the ditch in the southeast central area of the landfill;
- 2) Remove and dispose of excavated solvents; and
- 3) Perform an extent of contamination survey in the southeast central area of the landfill.

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review. Pursuant to Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can do so promptly and properly.

U.S. EPA has reason to believe that Alonzo Craft, Jr. and Himco Waste Away Services are PRPs for the above-referenced facility. U.S. EPA is hereby affording you and/or your company an opportunity to perform or fund the above response actions which U.S. EPA otherwise intends to take.

Because of the conditions described above, U.S. EPA believes that response activities at the site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

Due to the nature of the endangerment, immediate action will be required. U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin the above actions on May 18, 1992. Therefore, a PRP must notify U.S. EPA by 5 P.M. on May 13, 1992 if he wishes to perform or fund all of the above actions, or U.S. EPA will begin to take the necessary action at the facility in lieu of private party action. If you intend to commit to perform the removal you must submit an approvable work plan to U.S. EPA by 5 P.M. May 15, 1992. Please contact Thomas Nash, U.S. EPA, Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 886-0552, to provide notice or if you have any questions.

Do you have any questions regarding what I have just said? Do you understand?"

This letter is to confirm and reiterate the above oral notice. If you have any questions concerning this matter, please contact:

Thomas Nash
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-0552
fax (312) 886-7160

or

Paul Steadman
On-Scene-Coordinator
Response Section II
U.S. EPA
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353-7615
fax (312) 353-9176

Sincerely,

Donald J. Bruce

for

Robert J. Bowden, Chief
Emergency & Enforcement Response Branch

LIST OF PRPs RECEIVING LETTER CONFIRMING GENERAL NOTICE

Himco Waste Away Service, Inc.
c/o Richard W. Paulen
Barnes & Thornburg
305 First National Bank Building
301 South Main Street
Elkhart, Indiana 56516

cc: Himco Waste Away Service, Inc.
707 North Wildwood Avenue
Elkhart, Indiana 46514

Michael Cosentino
Attorney at Law
P.O. Box 1866
Elkhart, Indiana 46515

cc: Alonzo Craft, Jr.
1135 Kent Street
Elkhart, Indiana 46514

bcc: Tom Nash, ORC, (CS-3T)
Paul Steadman, OSC, (HSE-5J)
Maureen O'Mara, ESS, (HSE-5J)
Carol Graszer, ESS, (HSE-5J)
Toni Lesser, Public Affairs, (P-19J)
Karen Martin, Public Affairs, (P-19J)
Mary Elaine Gustafson (HSRL-6J)
Sheila Huff, Department of Interior
Alicia Corley, SETS, (OS505)
Tony Audia, Accounting, (MF-10J)
EERB Site File
EERB Read File